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Statement for the Record

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"The State of Civil and Human Rights in the United States"

United States Senate Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights and Human Rights

December 9, 2014

Chairman Durbin, Ranking Member Cruz and members of the Subcommittee, South Asian Americans Leading Together (SAALT) welcomes the opportunity to submit a statement for the record for the December 9, 2014 hearing "The State of Civil and Human Rights in the United States." SAALT is a national, nonpartisan, non-profit organization that elevates the voices and perspectives of South Asian individuals and organizations to build a more just and inclusive society in the United States. SAALT works with a base of individual members and advocates and is the coordinating entity of the National Coalition of South Asian Organizations (NCSO), a network of 41 organizations across the country that provides direct services, organizes and advocates on behalf of South Asians in the United States.

We thank you for holding this critical and timely hearing on civil and human rights in the United States. The ability of all individuals residing in our country to freely exercise their voting rights, live free of hate violence and feel safe from police abuse is under question. Congressional investigation and action are needed to restore the rights and dignities promised to all who live in the United States.

Hate Violence

SAALT is especially heartened that a focus for today's hearing is an examination of hate crimes and the recent spate of anti-Arab and anti-Muslim bigotry as well as the pervasive underreporting of hate crimes. SAALT, along with our allies, recently commemorated the fifth anniversary of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act but we continue to note that much remains to be done to ensure all communities can live free from hate violence. This is particularly true for Arab, Middle Eastern, Muslim and South Asian (AMEMSA) communities. Just last week, a young Muslim boy was targeted and killed outside a mosque in Kansas City, Missouri. In September 2014 SAALT released *Under Suspicion, Under Attack: Xenophobic Political Rhetoric and Hate Violence against South Asian, Muslim, Sikh, Hindu, Middle Eastern and Arab Communities in the United States*. In this report, we examined reported incidents of hate violence directed at South Asian communities between 2011 and 2014 and found that our communities face a high level of hostility and hate violence.

Though hate crimes, generally have been on the decline, this decline has not been evenly felt by all groups and hate violence remains a pervasive problem for South Asian communities.[1] Hate crimes targeting South Asian communities continue to be at higher levels than before 9/11 and hate crimes motivated by anti-Muslim sentiment account for over one in tem of all hate crimes related to religious bias.[2] However, it is important to note that these figures reflect only the incidents of hate violence which are reported. Experts estimate that actual incidents occur at a rate fifteen times higher than those reported.[3] Under reporting may be even higher for South Asian communities who have unique fears related to seeking law enforcement assistance as a result of discriminatory policies and practices adopted since 9/11.

In light of these high levels of hostility and hate violence in our communities, the DOJ Guidance released yesterday needed much stronger reforms to ensure law enforcement agents at all levels and in all agencies are coordinated and mandated to protect our communities. Instead, the guidance continues to leave our communities open to profiling, mapping, and surveillance and vulnerable to hate violence by the very law enforcement agents tasked to protect us. The broad exemptions that remain for DHS, namely within Customs and Border Protection, the FBI, specifically its ethnic mapping activities, and the TSA will allow our communities, border communities, and Latino communities to be profiled under the guise of border and national security issues. This is an unacceptable breach of civil and human rights that creates second-class citizenship for some communities in this country. Furthermore, failing to expand applicability of the Guidance to state and local law enforcement agencies is especially disappointing in light of the national public outcry against the recent deaths of unarmed Black men and boys at the hands of local police. The repeated lack of recourse for this should be at the top of any civil and human rights discussion or policy in this country. The collective impact of this guidance on immigrant, border communities, and other communities of color makes us all less safe.

In *Under Suspicion, Under Attack* SAALT found that in the three year period ending at the beginning of 2014, there were 76 incidents of hate violence targeting South Asian and other communities impacted by post 9/11 backlash reported over the Internet and media.[4] Eighty-four percent of those incidents were motivated by anti-Muslim sentiment.[5] These incidents involve Muslims as well as those perceived to be Muslim.

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[1] U.S. Department of Justice, *Confronting Discrimination in the Post-9/11 Era: Challenges and Opportunities Ten Years Later* (Apr. 2012) , *available at* http://www.justice.gov/crt/publications/post911/post911summit_report_2012-04.pdf.
[2] U.S. Department of Justice, Federal Bureau of Investigations, *Uniform Crime Report Hate Crime Statistics* (2012), *available at* http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2012/topic-pages/incidents-and-offenses/incidentsandoffenses_final.
[3] Southern Poverty Law Center, *Report: FBI Hate Crime Statistics Vastly Understate Problem*, Intelligence Report, Issue No 120 (Winter 2005), *available at* http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2005/winter/hate-crime.
[4] South Asian Americans Leading Together (SAALT), *Under Suspicion, Under Attack: Xenophobic Political Rhetoric and Hate Violence against South Asian, Muslim, Sikh, Hindu, Middle Eastern and Arab Communities in the United States* (Sep. 2014), *available at* http://saalt.org/wp-content/uploads/2013/06/SAALT_report_full_links1.pdf.
[5] *Ibid*.

Anti-Muslim hate violence targets individuals, community spaces and religious institutions. The attack on the Sikh Temple of Wisconsin in Oak Creek, Wisconsin in 2012, when a known white supremacist walked into a gurdwara and shot and killed congregants, stands out amongst the most horrific attacks on the religious institutions of our communities.[6] A spate of attacks on various mosques climaxed in 2012 and resulted in one mosque in Joplin, Missouri being burned to the ground.[7] Of religious institutions that were targeted by hate violence in the three year period examined in *Under Suspicion, Under Attack*, 87% involved mosques or other Islamic institutions.[8]

Given the steadily high level of hate violence targeting AMEMSA communities, SAALT and our allies have called on the Obama Administration to create a National Task Force to Prevent Hate Violence to focus on holistically addressing hate incidents directed at AMEMSA communities through relationship-building between communities and government, creating comprehensive and coordinated preventive measures and response protocols and engaging law enforcement at the federal, state and local levels. Recently, the Administration has announced the creation of an inter-agency task force on hate violence and SAALT will continue to collaborate with the Administration to ensure the task force focuses on the unique needs of South Asian and other communities impacted by post 9/11 backlash.

Suspicionless Surveillance

The hostility and violence faced by South Asian communities requires an immediate and multi-level response from government and policy makers. It is important to consider the overall climate faced by our communities and how the hostility is fueled. South Asian communities are often treated as a presumed threat to national security and new accounts of widespread surveillance against our communities are no longer surprising. Government policies that target South Asian communities through surveillance without basis or accountability can feed public misconceptions that South Asian communities are suspect and foreign. Suspicionless surveillance of entire communities is of grave concern to this Subcommittee and has far-reaching implications for impacted individuals.

Law Enforcement Profiling

SAALT has for years urged Congress to enact legislation that comprehensively and meaningfully prohibits profiling by all levels of law enforcement. With the weak reforms to the DOJ profile guidance yesterday, enactment of stronger legislation is an important first step to addressing the crisis in trust between communities of color and law enforcement and can be integral in beginning the healing process in the aftermath of Ferguson.

For South Asian communities, encounters with law enforcement profiling have been a constant concern, particularly in a post-9/11 world. Some examples include congressional hearings targeting Muslim American communities for heightened scrutiny; the suspicionless surveillance of mosques, student associations, and other community spaces of Muslims in New York City; the targeting of Sikhs

[6] *Ibid.*
[7] *Ibid.*
[8] *Ibid.*

for special screenings at airports; and immigration enforcement programs like the National Security Entry-Exit Registration System which unequivocally profiled many young South Asian Muslim males. Through government policies and practices, members of our communities have regularly been subject to profiling and discriminatory policing.

Immigration

The recent announcement from the President to take executive action on immigration has significant impact on our communities, with South Asian groups having some of the highest numbers of undocumented immigrants in this country. We welcome these administrative relief programs as a start and hope that your committee will continue to encourage your colleagues in Congress to pass full and comprehensive immigration reform.

We can and must ensure immigrant families can live in their communities with dignity and respect, and we must stop deportations that are tearing our communities apart. Congress must widen the circle of inclusion by passing comprehensive immigration reform that includes an affordable roadmap to citizenship, widens the visa pipeline while eliminating backlogs and wait times, and clearly prohibits discriminatory profiling.

Recommendations

SAALT urges the Subcommittee to continue to investigate the state of civil and human rights in the United States and Congress to:

- Pass legislation that eliminates border and national security loopholes in profiling and mandates all state and local law enforcement agents to comply with the latest DOJ profiling guidance.
- Pass the End Racial Profiling Act (ERPA) to end law enforcement profiling on the basis of race, religion, ethnicity, gender, gender identity, sexual orientation and national origin.
- Ensure that the Department of Justice is rigorously enforcing the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act and successfully implementing changes in hate crimes data collection to disaggregate hate crimes motivated by bias against Arabs, Hindus and Sikhs.
- Allocate appropriate funding for prevention, education and training initiatives for law enforcement regarding hate crimes and profiling.
- Conduct congressional hearings to investigate the discriminatory and suspicionless surveillance of South Asian communities by all levels of law enforcement.
- Publicly condemn all incidents of hate violence as well as divisive rhetoric motivated by hate emanating from other political leaders or government officials.
- Pass full and comprehensive immigration reform.

SAALT thanks the Subcommittee for its leadership in conducting this hearing. Together we can ensure that our country remains true to its fundamental principles of plurality, inclusion and respect. Thank you for the opportunity to submit this statement for the record.

For further information about the impact of hate crimes, suspicionless surveillance and law enforcement profiling as it relates to the South Asian community, please contact Lakshmi Sridaran, SAALT's Director of National Advocacy and Policy at lakshmi@saalt.org.